

APPEAL NO. 020670  
FILED APRIL 29, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 4, 2002. With respect to the single issue before her, the hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, "does not extend to nor does it include the right upper extremity (arm)." In his appeal, the claimant essentially argues that the hearing officer's extent-of-injury determination is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The issue of whether the claimant's compensable injury extends to a right upper extremity (arm) injury was a question of fact for the hearing officer. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986).

The claimant contends that the hearing officer's extent-of-injury determination is against the great weight of the evidence. The hearing officer resolved the conflicts and inconsistencies in the evidence in favor of the carrier, and she was acting within her province as the fact finder in so doing. Our review of the record does not demonstrate that the challenged determination is so contrary to the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse that determination on appeal. Cain; Pool.

The claimant also asserts error in two of the hearing officer's findings of fact which stated the opinions of two different doctors in regard to the claimant's date of maximum medical improvement (MMI) and his impairment rating (IR). The issues of the claimant's date of MMI and his IR were not before the hearing officer. However, the challenged findings do not attempt to resolve those issues. Rather, they are in the nature of statements of the evidence, which provide a chronology of events in this case. As such, we perceive no error in the hearing officer's having included those findings in her decision.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **VALLEY FORGE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge